

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejected Claims 18-21 and 27-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,181,255 to Crimmins et al. (“Crimmins”).

Amended independent Claim 18 recites a method comprising, among other elements, “conducting a feedback-based process for determining a frequency for remotely actuating the device by transmitting new RF control signals to the device and waiting for user feedback indicating a successful actuation, wherein the new RF control signal transmissions are sequential and are sequenced such that the commonly used frequencies of the determined plurality of possible RF frequencies are interspersed with less commonly used frequencies.”

Amended independent Claim 29 recites a method comprising, among other elements, “conducting a feedback-based process for determining the frequency by transmitting new RF control signals having the control code, wherein the new RF control signal transmissions are sequential and are sequenced such that the commonly used frequencies of the selected RF frequencies are interspersed with less commonly used frequencies.”

Cimmins does not disclose, teach or suggest the methods of amended independent claims 18 or 29. Crimmins discloses a feedback-based process (*see* Figs. 6C and 6D), but does not disclose interspersing popular or common frequencies with less commonly used frequencies during such a feedback-based process. Applicants respectfully submit that such interspersion can result in faster learning for users with old or uncommon receiving devices without resulting in unacceptable delays for most users. Neither this advantage nor the solution of amended independent Claims 18 and 29 are disclosed by Crimmins. Accordingly, Applicants respectfully

submit that the rejections of Claims 18 and 29 based on Crimmins have been overcome and that Claims 18 and 29 are patentable. The claims which variously depend from independent Claims 18 and 29 are also patentable. *See* 35 U.S.C. § 112 ¶ 4. Applicants respectfully request that the rejections of Claims 18-21 and 27-29 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

On page 3 of the Office Action, the Examiner rejected claims 1-6, 9-14, 16-17, and 25-26 are rejected as being unpatentable over U.S. Pat. No. 5,854,593 to Dykema et al. (“Dykema”) in view of Crimmins under 35 U.S.C. § 103(a). On page 6 of the Office Action, the Examiner rejected claim 22 as being unpatentable over Crimmins in view of Dykema under 35 U.S.C. § 103(a).

Independent Claim 1 has been amended to recite a trainable transceiver comprising, among other elements, a control circuit “configured to cause the transceiver to transmit new modulated RF signals based on the determined device type and the determined plurality of possible frequencies, and wherein the control circuit causes the transmissions to be sequential and to be **sequenced such that commonly used frequencies of the plurality of possible frequencies are interspersed with less commonly used frequencies**, wherein the control circuit uses the sequential transmissions in the feedback-based process for determining whether a transmission has been successfully received by the device for remote actuation.”

Independent Claim 10 has been amended to recite a trainable transceiver comprising, among other elements, a control circuit “configured to cause the transceiver to transmit new RF control signals based on the determined device type and the determined plurality of possible RF frequencies, and wherein the control circuit causes the transmissions to be sequential and to be **sequenced such that the commonly used frequencies of the plurality of possible RF frequencies are interspersed with less commonly used frequencies**, wherein the control circuit uses the sequential transmissions in a feedback-based process for determining whether a transmission has been successfully received by the device for remote actuation.”

Neither Dykema nor Crimmins discloses, teaches or suggests interspersing common frequencies with less common frequencies in a feedback process of a trainable transceiver. Dykema discloses a system whereby a tunable antenna is used to scan a plurality of frequencies to find the proper frequency for transmission. *See* Dykema at col. 19. Crimmins discloses a feedback-based process (*see* Figs. 6C and 6D), but does not disclose interspersing popular or common frequencies with less commonly used frequencies during such a feedback-based process. As explained above, such interspersing can result in faster learning for users with old or uncommon receiving devices. The combination of Dykema and Crimmins does not disclose, teach or suggest the trainable transceivers of Claims 1 or 10. Applicants respectfully submit that the rejections of Claims 1 and 10 have been overcome and that Claims 1 and 10 are patentable. The claims which variously depend from independent Claims 1 and 10 are also patentable. *See* 35 U.S.C. § 112 ¶ 4. Applicants respectfully request that the rejections of 1-6, 9-14, 16-17, 22 and 25-26 be withdrawn.

On page 6 of the Office Action, the Examiner rejected claim 22 as being unpatentable over Crimmins in view of Dykema under 35 U.S.C. § 103(a). On page 7 of the Office Action, the Examiner rejected claim 23 as being unpatentable over Crimmins in view of U.S. Patent No. 6,556,813 to Tsui (“Tsui”) under 35 U.S.C. § 103(a).

Tsui does not cure the deficiencies noted above with respect to Crimmins and Dykema. Particularly, Tsui does not disclose interspersing popular or common frequencies with less commonly used frequencies during such a feedback-based process.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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